

HONORABLE MARSHA J. PECHMAN

UNITED STATE DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

BRYAN D. MIZE,

Plaintiff,

vs.

JPMORGAN CHASE BANK, N.A.;  
NORTHWEST TRUSTEE SERVICES,

Defendants.

NO. 2:11-CV-01245-MJP

ANSWER AND AFFIRMATIVE  
DEFENSES OF DEFENDANT  
JPMORGAN CHASE BANK, N.A.

COMES NOW the defendant, JPMorgan Chase Bank, N.A. (hereinafter "Chase") by and through its attorneys of record, Bishop, White, Marshall & Weibel, P.S. and Ann T. Marshall and submits the following Answer and Affirmative Defenses to Plaintiff's Complaint.

I. Jurisdiction, Venue and Parties

1.1. Answering paragraph 1.1 of Plaintiff's complaint, Chase admits that the Plaintiff has alleged violations of federal statutes and that the above Court has jurisdiction. Chase denies that any and all violations occurred, and further denies the remaining allegations therein.

ANSWER AND AFFIRMATIVE  
DEFENSES OF DEFENDANT  
JPMORGAN CHASE BANK, N.A.- 1  
#2:11-cv-01245-MJP

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SEATTLE, WASHINGTON 98101-1801  
206/622-5306 FAX: 206/622-0354

1           1.2     Answering paragraph 1.2 of Plaintiff's complaint, Chase admits that the  
2 deed of trust and real property described therein are the subject of the complaint. Chase  
3 denies the remaining allegations contained therein.

4           1.3     Answering paragraph 1.3 of Plaintiff's complaint, Chase admits that it  
5 acquired certain assets and rights of Washington Mutual Bank by and through the FDIC,  
6 that it is subject to the jurisdiction of the above entitled Court, although not for the reasons  
7 stated therein, and that defendant Northwest Trustee Services commenced a nonjudicial  
8 foreclosure of the deed of trust described in Paragraph 1.2 of the Plaintiff's Complaint.  
9 Chase denies the remaining allegations therein.

10           1.4     Answering paragraph 1.4 of Plaintiff's complaint, Chase denies that NWT  
11 is the agent of Chase. Chase admits that NWT issued a Notice of Sale as evidenced by  
12 that Notice recorded under Snohomish County Auditor's File No. 201105040102. Chase  
13 lacks sufficient information to admit or deny the remaining allegations therein, and  
14 therefore denies the same.

15  
16                               II.     Background Facts and History

17  
18           2.1     Answering paragraph 2.1 of Plaintiff's complaint, Chase admits that the  
19 loan identified therein is the subject of the lawsuit. Chase admits that the subject  
20 promissory note and deed of trust speak for themselves, and for that reason, denies the  
21 Plaintiff's characterizations of the same. Chase denies the remaining allegations contained  
22 therein.

1           2.2     Answering paragraph 2.2 of Plaintiff's complaint, Chase admits that the  
2 loan identified therein is the subject of the lawsuit. Chase admits that the subject  
3 promissory note and deed of trust speak for themselves, and for that reason, denies the  
4 Plaintiff's characterizations of the same. Chase denies the remaining allegations contained  
5 therein.

6           2.3     Answering paragraph 2.3 of plaintiff's complaint, Chase lacks sufficient  
7 information or knowledge to admit or deny the allegations contained therein and therefore  
8 denies the same.

9           2.4.1   Answering paragraph 2.4.1 of plaintiff's complaint, Chase lacks sufficient  
10 information or knowledge to admit or deny the allegations contained therein at this time  
11 and therefore denies the same.

12          2.4     Answering paragraph 2.4 of plaintiff's complaint, Chase lacks sufficient  
13 information or knowledge to admit or deny the allegations contained therein and therefore  
14 denies the same.

15          2.5     Answering paragraph 2.5 of plaintiff's complaint, Chase lacks sufficient  
16 information or knowledge to admit or deny the allegations contained therein at this time  
17 and therefore denies the same.

18          2.6     Answering paragraph 2.6 of plaintiff's complaint, Chase lacks sufficient  
19 information or knowledge to admit or deny the allegations contained therein and therefore  
20 denies the same.

21          2.6.1.1 Answering paragraphs in 2.6.1 of plaintiff's complaint, Chase denies the  
22 allegations contained therein.

1           2.6.1.2 Does not appear to contain any allegations, but if so, Chase denies such  
2 allegations contained therein.

3           2.6.2.1 Answering paragraph in 2.6.2.1 of plaintiff's complaint, Chase lacks  
4 sufficient information or knowledge to admit or deny the allegations contained therein and  
5 therefore denies the same.

6           2.6.2.2 Answering paragraph 2.6.2.2, Chase denies the allegations contained  
7 therein.

8           2.6.2.3 Chase lacks sufficient information or knowledge to admit or deny the  
9 allegations contained therein, and therefore denies the same.

10          2.6.3 Chase lacks sufficient information or knowledge to admit or deny the  
11 allegations contained therein, and therefore denies the same.

12          2.7 Answering paragraph 2.7 of plaintiff's complaint, Chase admits that the  
13 Plaintiff filed bankruptcy in June of 2010, and that Chase by and through counsel moved  
14 for relief from stay. Chase lacks sufficient information or knowledge to admit or deny the  
15 remaining allegations contained therein and therefore denies the same.

16          2.7.1.1 and 2.7.1.2 Answering paragraphs 2.7.1.1 and 2.7.1.2 of plaintiff's  
17 complaint, Chase denies the allegations contained therein.

18          2.7.2.1 Answering paragraph 2.7.2.1 of plaintiff's complaint, Chase lacks sufficient  
19 information or knowledge to admit or deny the allegations contained therein and therefore  
20 denies the same.

21          2.7.2.2 Answering paragraph 2.7.2.2 of plaintiff's complaint, Chase denies the  
22 allegations contained therein.

1           2.7.2.3 Answering paragraph 2.7.2.3 of plaintiff's complaint, Chase lacks sufficient  
2 information or knowledge to admit or deny the allegations contained therein and therefore  
3 denies the same.

4           2.7.3 Answering paragraph 2.7.3 of plaintiff's complaint, Chase lacks sufficient  
5 information or knowledge to admit or deny the allegations contained therein and therefore  
6 denies the same.

7           2.8.1 Answering paragraphs 2.8.1, Chase lacks sufficient information or  
8 knowledge to admit or deny the allegations contained therein and therefore denies the  
9 same.

10          2.8.1.1 Answering paragraph 2.8.1.1, Chase denies the allegations contained  
11 therein.

12          2.8.1.2 Does not appear to contained any allegations, but Chase denies the  
13 allegations contained therein.

14          2.8.2.1 Answering paragraphs 2.8.2.1, Chase lacks sufficient information or  
15 knowledge to admit or deny the allegations contained therein and therefore denies the  
16 same.

17          2.8.2.2 Answering 2.8.2.2 of plaintiff's complaint, Chase denies the allegations  
18 contained therein.

19          2.8.3 Answering 2.8.3 of plaintiff's complaint, Chase lacks sufficient information  
20 or knowledge to admit or deny the allegations contained therein and therefore denies the  
21 same.



1           3.1.4 Answering paragraph 3.1.4 of plaintiff's complaint, Chase lacks sufficient  
2 information or knowledge to admit or deny the allegations contained therein and therefore  
3 denies the same.

4           3.1.5 Answering paragraph 3.1.5 of plaintiff's complaint, Chase lacks sufficient  
5 information or knowledge to admit or deny the allegations contained therein and therefore  
6 denies the same.

7           3.1.6 Answering paragraph 3.1.6 of plaintiff's complaint, Chase lacks sufficient  
8 information or knowledge to admit or deny the allegations contained therein and therefore  
9 denies the same.

10          3.1.7 Answering paragraph 3.1.7 of plaintiff's complaint, Chase lacks sufficient  
11 information or knowledge to admit or deny the allegations contained therein and therefore  
12 denies the same.

13          3.1.8 Answering paragraph 3.1.8 of plaintiff's complaint, Chase lacks sufficient  
14 information or knowledge to admit or deny the allegations contained therein and therefore  
15 denies the same.

16          3.1.9 Answering paragraph 3.1.9 of plaintiff's complaint, Chase lacks sufficient  
17 information or knowledge to admit or deny the allegations contained therein and therefore  
18 denies the same.

19          3.1.10 Answering paragraph 3.1.10 of plaintiff's complaint, Chase denies the  
20 allegations contained therein.

21          3.1.11 Answering paragraph 3.1.11 of plaintiff's complaint, Chase denies the  
22 allegations contained therein.

1           3.1.12 Answering paragraph 3.1.12 of plaintiff's complaint, Chase lacks sufficient  
2 information or knowledge to admit or deny the allegations contained therein and therefore  
3 denies the same.

4           3.2.1 Answering paragraph 3.2.1 of plaintiff's complaint, Chase incorporates its  
5 previous answers as though set forth fully herein.

6           3.2.2 Answering paragraph 3.2.2 of plaintiff's complaint, Chase denies the  
7 allegations contained therein.

8           3.2.3 Answering paragraph 3.2.3 of plaintiff's complaint, Chase denies the  
9 allegations contained therein.

10          3.2.4 Answering paragraph 3.2.4 of plaintiff's complaint, Chase lacks sufficient  
11 information or knowledge to admit or deny the allegations contained therein and therefore  
12 denies the same.

13          3.2.5 Answering paragraph 3.2.5 of plaintiff's complaint, Chase lacks sufficient  
14 information or knowledge to admit or deny the allegations contained against NWT  
15 therein and therefore denies the same. Chase denies the allegations against it.

16          3.3.1 Answering paragraph 3.3.1 of plaintiff's complaint, Chase incorporates its  
17 previous answers as though set forth fully herein.

18          3.3.2 Answering paragraph 3.3.2 of plaintiff's complaint, Chase denies the  
19 allegations contained therein.

20          3.3.3 Answering paragraph 3.3.3 of plaintiff's complaint, Chase denies the  
21 allegations contained therein.

22          3.4.1 Answering paragraph 3.4.1 of plaintiff's complaint, Chase incorporates its  
23 previous answers as though set forth fully herein.



1           3.4.2 Answering paragraph 3.4.2 of plaintiff's complaint, Chase denies the  
2 allegations contained therein.

3           3.4.3 Answering paragraph 3.4.3 of plaintiff's complaint, Chase denies the  
4 allegations contained therein.

5           3.4.4 Answering paragraph 3.4.4 of plaintiff's complaint, Chase lacks sufficient  
6 information or knowledge to admit or deny the allegations contained therein against  
7 NWTS and therefore denies the same. Chase denies the allegations against it.

8           3.5.1 Answering paragraph 3.5.1 of plaintiff's complaint, Chase incorporates its  
9 previous answers as though set forth fully herein.

10          3.5.2 Answering paragraph 3.5.2 of plaintiff's complaint, Chase denies the  
11 allegations contained therein.

12          3.5.3 Answering paragraph 3.5.3 of plaintiff's complaint, Chase denies the  
13 allegations contained therein.

14          3.6.1 Answering paragraph 3.6.1 of plaintiff's complaint, Chase incorporates its  
15 previous answers as though set forth fully herein.

16          3.6.2.1 Answering paragraph 3.6.2.1 of plaintiff's complaint, plaintiff primarily  
17 alleges legal theory and therefore no response is required. To the extent a response is  
18 required, Chase denies the allegations contained therein.

19          3.6.2.2 Answering paragraph 3.6.2.2 of plaintiff's complaint, Chase denies the  
20 allegations contained therein.

21          3.6.3.1 Answering paragraph 3.6.3.1 of plaintiff's complaint, Chase lacks sufficient  
22 information or knowledge to admit or deny the allegations contained therein and therefore  
23 denies the same.

1           3.6.3.2 Answering paragraph 3.6.3.2 of plaintiff's complaint, Chase lacks sufficient  
2 information or knowledge to admit or deny the allegations contained therein and therefore  
3 denies the same.

4           3.6.3.3 Answering paragraph 3.6.3.3 of plaintiff's complaint, Chase lacks sufficient  
5 information or knowledge to admit or deny the allegations contained therein and therefore  
6 denies the same.

7           3.6.3.4 Answering paragraph 3.6.3.4 of plaintiff's complaint, Chase denies the  
8 allegations contained therein.

9           3.6.3.5 Answering paragraph 3.6.3.5 of plaintiff's complaint, Chase lacks sufficient  
10 information or knowledge to admit or deny the allegations contained therein and therefore  
11 denies the same.

12           3.6.3.6 Answering paragraph 3.6.3.6 of plaintiff's complaint, Chase lacks sufficient  
13 information or knowledge to admit or deny the allegations contained therein and therefore  
14 denies the same.

15           3.6.4.1 Answering paragraph 3.6.4.1 of plaintiff's complaint, Chase denies the  
16 allegations contained therein.

17           3.6.4.2 Answering paragraph 3.6.4.2 of plaintiff's complaint, Chase denies the  
18 allegations contained therein.

19           3.6.4.3 Answering paragraph 3.6.4.3 of plaintiff's complaint, Chase denies the  
20 allegations contained therein.

21           3.6.4.4 Answering paragraph 3.6.4.4 of plaintiff's complaint, Chase denies the  
22 allegations contained therein.

1           3.6.4.5 Answering paragraph 3.6.4.5 of plaintiff's complaint, Chase denies the  
2 allegations contained therein.

3           3.6.4.6 Answering paragraph 3.6.4.6 of plaintiff's complaint, Chase denies the  
4 allegations contained therein.

5           3.6.5 Answering paragraph 3.6.5 of plaintiff's complaint, Chase lacks sufficient  
6 information or knowledge to admit or deny the allegations contained therein against  
7 NWTS and therefore denies the same. Chase denies the allegations against it.

8           3.7.1 Answering paragraph 3.7.1 of plaintiff's complaint, Chase incorporates its  
9 previous answers as though set forth fully herein.

10          3.7.2 Answering paragraph 3.7.2 of plaintiff's complaint, Chase denies the  
11 allegations contained therein.

12          3.7.3 Answering paragraph 3.7.3 of plaintiff's complaint, Chase lacks sufficient  
13 information or knowledge to admit or deny the allegations contained therein and therefore  
14 denies the same.

15          3.7.4 Answering paragraph 3.7.4 of plaintiff's complaint, Chase denies the  
16 allegations contained therein.

17          3.7.5 Answering paragraph 3.7.5 of plaintiff's complaint, Chase denies the  
18 allegations contained therein.

19          3.7.6 Answering paragraph 3.7.6 of plaintiff's complaint, Chase denies the  
20 requested relief and claims therein.

21          3.8.1 Answering paragraph 3.8.1 of plaintiff's complaint, Chase denies the  
22 allegations contained therein.

1           3.8.1.1 Answering paragraph 3.8.1.1 of plaintiff's complaint, Chase denies the  
2 allegations contained therein.

3           3.8.1.2 Answering paragraph 3.8.1.2 of plaintiff's complaint, Chase denies the  
4 allegations contained therein.

5           3.8.1.3 Answering paragraph 3.8.1.3 of plaintiff's complaint, Chase denies the  
6 allegations contained therein.

7           3.8.1.4 Answering paragraph 3.8.1.4 of plaintiff's complaint, Chase denies the  
8 allegations contained therein.

9           3.8.1.5 Answering paragraph 3.8.1.5 of plaintiff's complaint, Chase denies the  
10 allegations contained therein.

11           3.8.1.6 Answering paragraph 3.8.1.6 of plaintiff's complaint, Chase lacks sufficient  
12 information or knowledge to admit or deny the allegations contained therein and therefore  
13 denies the same.

14           3.8.1.6.1        Answering paragraph 3.8.1.6.1 of plaintiff's complaint, Chase  
15 denies the allegations contained therein.

16           3.8.1.7 Answering paragraph 3.8.1.7 of plaintiff's complaint, Chase denies the  
17 relief requested and claims therein.

18           4.1 – 4.8 Chase denies the relief requests and claims set forth therein.  
19

20                               IV. Affirmative Defenses

21           Chase realleges its foregoing Answers and further allege the following Affirmative  
22 Defenses:

23           1.       Plaintiff has failed to state a claim upon which relief can be granted.  
24

2. Chase expressly reserves the right to add additional affirmative defenses as they determine to be appropriate at any time in the future.

V. Prayer for Relief

Having fully answered each and every allegation contained in Plaintiff's Complaint and stated their Affirmative Defenses, Chase prays the Court enter judgment:

1. That the Court allow Defendant Chase to amend its answers, assert additional defenses, or assert other claims as further information is obtained;

2. Dismissing Plaintiff's Complaint, with prejudice;

3. That the Court award attorney fees and costs to Chase as consistent with the terms of the note and deed of trust that form the basis of defendant's security, and other applicable law.

4. Granting such other and further relief as the Court may determine to be just, equitable, or fair.

DATED this 29th day of August, 2011.

BISHOP, WHITE, MARSHALL & WEIBEL, P.S.

/s/Ann T. Marshall

Ann T. Marshall, WSBA #23533  
Attorneys for JP Morgan Chase Bank, NA